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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,538	08/20/2003	Kevin G. Bonde	550270.91090 CIP	6526

26710 7590 11/02/2004

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EXAMINER

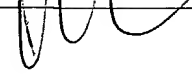
ALI, HYDER

ART UNIT PAPER NUMBER

3747

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/644,538	Applicant(s) BONDE ET AL. 	
	Examiner HYDER ALI	Art Unit 3747	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13, 15, 19 and 22 is/are rejected.
- 7) ☒ Claim(s) 14, 16-18, 20, 21 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Inventorship***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### ***Drawings***

The drawings Figs. 9-21 are objected to under 37 CFR 1.84 for lines and numbers not uniformly thick and well defined, reference characters not at least 1/8 inch in height and improper use of solid black shading. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement

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sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

Claim 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for lack of antecedent basis.

Claim 15 recites the limitation "the second passage" in line 2. There is insufficient antecedent basis for this limitation in the claim. It appears dependency should be from claim 13.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamba et al (US 4,901,819).

As to Claim 13, Tamba et al discloses a system comprising: a pump 10 capable of supplying lubricant; a first passage at least partially linking the pump to a crankshaft bearing 3 so that at least a first portion of the lubricant supplied by the pump is

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communicated to the crankshaft bearing; and a crankshaft supported with respect to the crankshaft bearing, wherein the crankshaft includes a first eccentric bearing 17, wherein the first eccentric bearing is configured to support at least one balance weight component; and a second passage 15 within the crankshaft 1, wherein the second passage is provided with at least a second portion of the lubricant by way of the crankshaft bearing and communicates at least a third portion of the lubricant to a first outer surface of the first eccentric bearing 17.

As to Claim 22, Tamba et al discloses a method of communicating lubricant within an internal combustion engine, the method comprising: communicating at least a first portion of the lubricant to a crankshaft bearing 3 by way of at least one first channel; further communicating at least a second portion of the lubricant from the crankshaft bearing through at least one second channel 15 within the crankshaft 1 to an eccentric bearing 17, wherein the eccentric bearing is configured for supporting at least a portion of a balance weight.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al (US 6,422,194).

As to Claim 19, Ito et al discloses a single-cylinder internal combustion engine comprising: a cylinder; a crankcase; a first camshaft 34 supported at least indirectly by the crankcase 6, wherein the first camshaft includes a first cam 21e; a second camshaft 33 supported at least indirectly by the crankcase 6, wherein the second camshaft includes a second cam 21i; a crankshaft 12 supported at least indirectly by the crankcase, wherein the crankshaft at least indirectly coupled to each of the first and

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second camshafts so that rotation of the crankshaft causes rotation of each of the first and second camshafts and their respective cams, wherein rotation of the respective cams is capable of producing corresponding movement of first and second valves associated with the cylinder, respectively; and means for 41 communicating lubricant to at least one bearing associated with the crankshaft.

***Allowable Subject Matter***

Claims 1-12 are allowed.

Claims 14,16-18,20,21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references by Fukuo et al and Lavender both disclose crankshaft for an internal combustion engine.

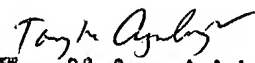
Any inquiry concerning this communication or earlier communications from the examiner should be directed to HYDER ALI whose telephone number is (703) 308-3949. The examiner can normally be reached on M-F (8:00-5:00). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Tony M. Argenbright  
Primary Examiner  
Art Unit 3747